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Subject: E-filing Docket 110138-EI
Attachments: Objections to OPCs 4th POD.pdf

- a. Person responsible for this electronic filing:

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- b. Docket 110138-EI

In re: Petition for increase in rates by Gulf Power Company

- c. Document being filed on behalf of Gulf Power Company
 d. There are 5 pages to Gulf's Objections
 e. The document attached for electronic filing is Gulf's Objections to OPC's Fourth Request for Production of Documents to Gulf Power (Nos. 96-105)

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9/12/2011

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by Gulf
Power Company.

Docket No. 110138-EI
Dated: September 12, 2011

**GULF POWER COMPANY'S OBJECTIONS TO CITIZENS' FOURTH REQUEST
FOR PRODUCTION OF DOCUMENTS (NOS. 96-105)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.350 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Gulf Power Company ("Gulf") hereby serves its objections to Florida Citizens' ("OPC") Fourth Request for Production of Documents (Nos. 96-105, and respectively, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in OPC's Requests for Production, Gulf objects to any definitions or instructions that are inconsistent with Gulf's discovery obligations under applicable rules. If some question arises as to Gulf's discovery obligations, Gulf will comply with applicable rules and not with any of OPC's definitions that are inconsistent with those rules. Gulf also objects to any request that calls for documents to be produced from the files of Gulf's counsel in this matter because such documents are privileged and are otherwise not within the scope of discovery under the applicable rules and law. Furthermore, Gulf objects to any definition or request that seeks to encompass persons or entities other than Gulf who are not parties to this action and thus are not subject to discovery. Records of affiliated companies, including The Southern Company, that are directly relevant to Gulf's rate request, including records regarding transactions or cost allocations among Gulf and its affiliated companies may be provided, upon request. Otherwise, no responses to the requests will be made on behalf of persons or entities other than Gulf. Gulf also objects to OPC's request that Gulf provide documents in a specific electronic format. Gulf will produce electronic data in its

native format. Non-electronic documents will be scanned and produced in PDF format. However, Gulf objects to OPC's request to produce documents in an OCR searchable format on the grounds that doing so would be unduly burdensome and otherwise beyond Gulf's discovery obligations under applicable law. Furthermore, Gulf objects to any request that calls for Gulf to create documents that it otherwise does not have because there is no such requirement under the applicable rules and law.

Additionally, Gulf generally objects to OPC's Requests to the extent that they call for documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law. Gulf will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any document request calls for the production of privileged or protected documents.

Further, in certain circumstances, Gulf may determine upon investigation and analysis that documents responsive to certain requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such a request, Gulf is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. Gulf hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order Establishing Procedure, and all other applicable statutes, rules and legal principles.

Gulf generally objects to OPC's Requests for Production to the extent that they call for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. Gulf will make a good faith, reasonably diligent attempt to identify and obtain responsive documents when no objection has been asserted to the production of such documents, but it is not practicable or even possible to identify, obtain, and produce "all" documents. In addition, Gulf reserves the right to supplement any of its responses to OPC's Request for Production if Gulf cannot produce documents immediately due to their magnitude and the work required to aggregate them, or if Gulf later discovers additional responsive documents in the course of this proceeding.

Gulf also objects to any request that calls for projected data or information beyond the year 2012 because such data or information is wholly irrelevant to this case and has no bearing on this proceeding, nor is such data or information likely to lead to the discovery of admissible evidence.

Gulf generally objects to each Request to the extent that it calls for information that is not relevant to this case. Where practical, Gulf has made efforts to redact irrelevant information with a notation regarding the nature of the redaction.

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to OPC's discovery at the time Gulf's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. Gulf provides these general objections at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

SPECIFIC OBJECTIONS

Request 101: Gulf objects to OPC's request number 101 to the extent that the request directs Gulf to provide a complete copy of a proprietary study belonging to third parties. Gulf Power is not authorized to disclose this information.

Respectfully submitted this 12th day of September, 2011.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 12th day of September, 2011 to all counsel of record as indicated below:

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